

DEVIN DERHAM-BURK #104353
CHAPTER 13 STANDING TRUSTEE
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Trustee for Debtor(s)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5

In re:

SIGNOR, CAROL

Debtor(s)

)
)
) Chapter 13
) Case No. 10-6-3343 SLJ
)
) TRUSTEE'S OBJECTION TO
) CONFIRMATION WITH CERTIFICATE OF
) SERVICE
)
) 341 Meeting: Date: FEBRUARY 14, 2011 @
) 9:30 AM
) Pre-Hearing Conference Date: APRIL 21, 2011
) Pre-Hearing Conference Time: 9:30 AM
) Place: 280 S. 1st Street Room 3099
) San Jose, CA
) Judge: Stephen L. Johnson

Devin Derham-Burk, Trustee in the above matter, objects to the Confirmation of this
PROTANTO% Plan for the following reasons:

1. The proposed Chapter 13 plan contains language that states that the plan shall complete within sixty (60) months of plan confirmation. This provision contravenes 11 U.S.C. §§1322(d)(1) and 1326(a)(1) which, together, provide that the plan term cannot exceed sixty months from the date the first plan payment is due. The Trustee requests that the debtor(s) remove the plan language stating that the plan shall complete within sixty (60)

1 months of plan confirmation. (Note: the 60 month language is in Section 2(d) and
2 Section 7.)

- 3 2. The plan is not feasible pursuant to 11 U.S.C. § 1325(a)(6). Section 1 of the Chapter 13
4 Plan provides that the debtor's payment is \$576.00 (60) months; however, Section 2(d) of
5 the Plan states that the total base amount is \$21,400. The payment in Section 1 totals
6 \$34,560. The base amount must equal the total of the payments in Section 1.
7
- 8 3. The plan is in violation of 11 U.S.C. § 1325(a)(4), in that creditors would receive more
9 under Chapter 7 liquidation. There is excess equity in the debtor's personal property in
10 the amount of \$15,210.00. The following language must be added to Section 7
11 "Notwithstanding Section 2(d), general unsecured creditors shall receive no less than
12 \$15,210."
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16 Dated: February 11, 2011

/S/ Devin Derham-Burk

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18 Chapter 13 Trustee
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Said envelopes were addressed as follows:

LAW OFFICES OF DAVID TRAPP
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